

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

August 4, 2004

IN RE:

PETITION OF BELL SOUTH
TELECOMMUNICATIONS, INC. FOR EXEMPTION OF
CERTAIN SERVICES.

DOCKET NO.
03-00391

ORDER GRANTING PETITION TO INTERVENE

On July 16, 2003 BellSouth Telecommunications, Inc. ("BellSouth") and Citizens Communications, Inc. filed a *Petition for Exemption of Certain Services* (the "*Petition*") in this matter. In their *Petition* the Petitioners request the exemption from regulation of IntraLATA Toll Service Primary Rate ISDN Service.

On August 4, 2003, the voting Panel assigned to this docket voted unanimously to convene a contested case proceeding in this matter and to appoint the Authority's General Counsel or his designee to act as the Hearing Officer in this proceeding to address preliminary matters prior to the hearing, to rule on any petition(s) for intervention, and to set a procedural schedule to completion.

On July 9, 2004 United Telephone-Southeast, Inc filed a petition to intervene ("*Petition*").

Criteria for Permitting Intervention

Tenn. Code Ann. § 4-5-310(a) sets forth the following criteria for granting petitions to intervene:

(a) The administrative judge or hearing officer shall grant one (1) or more petitions for intervention if;

(1) The petition is submitted in writing to the administrative judge or hearing officer, with copies mailed to all parties named in the notice of the hearing, at least seven (7) days before the hearing;

(2) The petition states facts demonstrating that the petitioner's legal rights, duties, privileges, immunities or other legal interest may be determined in the proceeding or that the petitioner qualifies as an intervenor under any provision of the law; and

(3) The administrative judge or hearing officer determines that the interests of justice and the orderly and prompt conduct of the proceedings shall not be impaired by allowing the intervention.

Discussion

Pursuant to the standards set forth in Tenn. Code Ann. § 4-5-310(a), the Hearing Officer grants the *Petition* on the basis that it was timely filed and served and that it substantiates that Sprint's legal rights, duties, privileges, immunities or other legal interests may be determined in this matter. The Hearing Officer further finds that granting the *Petition* to intervene will not impair the orderly and prompt conduct of this proceeding. No person has filed an objection to the *Petition*.

IT IS THEREFORE ORDERED THAT:

United Telephone-Southeast, Inc. is hereby given leave to intervene and receive copies of any notices, orders or other documents herein.



Randal L. Gilliam
Hearing Officer